

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR FILING (RULE 53(b)(1))

FOR DESIGN OR UTILITY APPLICATIONS  
(DO NOT USE FOR CIPs)



00909

jc971 U.S. PTO  
09/963521  
09/27/01

### Rule 53(b)(1) PATENT APPLICATION:

☐ Continuation )  
application under 37 CFR 1.53(b)(1)  
☒ Divisional )  
of pending prior application of

Group Art Unit: 1652

Inventor(s): Ziegler et al.

Examiner: Steadman, D.

Parent Appln. No.: 09	431,099	Atty. Dkt. P 282413	990079BT-DIV-I
Series Code ↑	Serial No. ↑	New M#	Client Ref

Parent Filed: November 1, 1999

This Appln. Filed: September 27, 2001 (herewith)

Title: Nucleotide Sequences Coding for the ThrE Gene and Process for the Enzymatic Production of  
L-Threonine Using Coryneform Bacteria

Hon. Commissioner of Patents  
Washington, DC 20231

Date: September 27, 2001  
(Parent Matter No. 264921 )

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

- ☒ Abstract  
☒ Specification and claims (34 pages) (**must be attached**)  
☒ Drawings (**must be attached if originally filed**): 2 sheet(s)/set: ☐ 1 set informal;  
☒ Formal of size ☒ A4 ☐ 11"

1A. Always X one box, only:

- (1) ☒ Copy of **Signed** declaration or oath as originally filed in prior application **attached**  
(2) ☐ **NO** declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S)**):

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

2.5 THE **INVENTOR(S)** FOR THIS NEW APPLICATION IS(ARE):

1. <u>Petra ZIEGLER</u>	2. <u>Lothar EGGELING</u>
3. <u>Hermann SAHM</u>	4. <u>Georg THIERBACH</u>
5. _____	6. _____
7. _____	8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying

application and is hereby incorporated therein by reference thereto.

4. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in GERMANY of \_\_\_\_\_ (country)

	<u>Application No.</u>	<u>Filing Date</u>		<u>Application No.</u>	<u>Filing Date</u>
(1)	<u>199 41 478.5</u>	<u>9/1/1999</u>	(2)	_____	_____
(3)	_____	_____	(4)	_____	_____
(5)	_____	_____	(6)	_____	_____

a. ☐ \_\_\_\_\_ (No.) Certified copy/copies attached.

b. ☒ Certified copy/copies previously filed on August 9, 2000 in  
U.S. Application No. 09/431,099, filed on November 1, 1999.  
series code ↑ serial no. ↑

c. ☐ Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_

4(a). (a) ☒ Domestic priority is claimed from PCT/ 09/431,099, filed November 1, 1999.

(b) ☐ Benefit is claimed of Provisional Application No. 60/ \_\_\_\_\_, filed \_\_\_\_\_.

5. ☒ Assignee (optional) Degusa Hüls Aktiengesellschaft  
Forschungszentrum Jülich GmbH

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Pillsbury Madison & Sutro, LLP (now Pillsbury Winthrop LLP)

(Name and Reg. No.)

whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Michael A. Sanzo, 36912

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 09/ 431,099 filed November 1, 1999

No. / filed \_\_\_\_\_

No. / filed \_\_\_\_\_

No. PCT/ / filed \_\_\_\_\_, which

designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☒ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** → ☒ is **Not** claimed ☐ is claimed (**pre-filing confirmation required**)

(No.) Small Entity Statement(s) (**not** essential since 9/8/00) were/are:

☐ filed in above prior application

☐ attached.

11. **Petition to extend the life of the above prior application to at least the date hereof**

(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(must be) ☐ was previously filed in that prior application (Check length of prior extension).

(X'd) ☐ is not necessary for copendency (**Double check** before X'ing this box).

F02260" T25E9660

**->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-**

**NOTE:** If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

				Large/Small Entity		Fee Code
15. Basic Filing Fee . . . . . Design Application				\$320/\$160		106/26
16. Basic Filing Fee . . . . . Utility Application				\$710/\$355	+710	101/201
17. Total Effective Claims		minus 20 =		x \$18/\$9	+0	103/203
18. Independent Claims		minus 3 =		x \$80/\$40	+0	102/202
19. If any proper multiple dependent claim (ignore improper) is present,				\$270/\$135	+0	104/204
20. Subtotal =				\$0		
21. If "petition" box 13 above is X'd, add petition fee. . . . . \$130					+0	122
21A. If box 6 above is X'd, add Assignment recording fee . . . . . \$ 40					+40	581
22. TOTAL FILING FEE ATTACHED =					\$750	

(carry forward to Item 31)

23. ☐ ATTACHED:
24. ☒ See the attached Preliminary Amendment
25. ☐ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee	File Code
				<u>Large/Small Entity</u>		
27.	Total Effective Claims <u>*13</u>	minus ** <u>20</u>	= <u>0</u>	x \$18/\$9	= \$ <u>0</u>	(103/203)
28.	Independent Claims <u>*1</u>	minus *** <u>3</u>	= <u>0</u>	x \$80/\$40	= + <u>0</u>	(102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application) .....				\$270/\$135 + <u>270</u>	(104/204)
30.				ADDITIONAL FEE	\$ <u>270</u>	
31.				plus FEE from item 22 on page 3	+ <u>750</u>	
32.				<b><u>TOTAL FEE ATTACHED</u></b>	<b>\$ <u>1020</u></b>	
33.	*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"					
34.	**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space					
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space					



00909

Our Deposit Account No. 03-3975

Our Order No. 21123

C#

282413

M#

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

**Pillsbury Winthrop LLP  
Intellectual Property Group**

By Atty: Michael A. SanzoReg. No. 36912Sig: Michael A. Sanzo

Fax: (703) 905-2500

Tel: (703) 905-2173

Atty./Sec MAS/AMX

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachmentsNOTE No. 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.If yes, printout Pat-111 and head it in parent.
 09963521-092701  
 T04260-1359960

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

ZIEGLER et al.

(Div. of Appl. No.: 09/431,099)

Appl. No.: to be assigned

Filed: herewith

For: **Nucleotide Sequences Coding for the  
ThrE Gene and Process for the  
Enzymatic Production of L-Threonine  
Using Coryneform Bacteria**

Art Unit: to be assigned

Examiner: to be assigned

Atty. Dkt. 21123/282413

**SUBMISSION OF CERTIFIED TRANSLATION  
OF NON-ENGLISH PATENT APPLICATION**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Applicants respectfully submit a translation of the application in the German language filed herewith. A signed copy of the translator's Translation Statement Under Rule 52(d) accompanies this submission.

If there are any fees due for entry of this submission that are not otherwise accounted for, the Applicant asks that any such fees be charged to our Deposit Account No. 03-3975, with reference to Order No. 21123/282413.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: Michael A. Sanzo  
Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date:  
1600 Tysons Boulevard  
McLean, VA 22120  
Tel. (703) 905-2173

09963521-092701  
T04260-1255966

TRANSLATOR'S DECLARATION

I, John F. Moloney, BSc., MIL., CChem., MRSC., translator to Messrs. Taylor and Meyer of 20 Kingsmead Road, London, SW2 3JD, Great Britain, verify that I know well both the German and the English language, that I have prepared the attached English translation of    pages of a German Patent application in the German language with the title:

Neue für das thrE-gen codierende Nukleotidsequenzen und Verfahren zur fermentative Herstellung von L-Threonin mit coryneformen Bakterien

identified by the code number 990079 BT at the upper left of each page and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By: J. F. Moloney

Date: 10 November 1999

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